

**Yukon Legislative Assembly**  
**Respectful Conduct**

**Authority**

This Policy was approved by the Members' Services Board on June 12, 2019 and entered into effect immediately upon approval.

**Introduction:**

The Respectful Conduct Policy's (R.C.P.) intent is to ensure that the Yukon Legislative Assembly fosters a respectful, healthy and supportive environment. Further, the R.C.P. defines disrespectful and discriminatory behavior, affirms responsibility and accountability for conduct, and mandates training and education programmes for Members of the Legislative Assembly (MLAs).

The Yukon Legislative Assembly is committed to resolving incidents of disrespectful conduct. The R.C.P. outlines a complaint process to ensure there are clear and timely procedures to report incidents, and where necessary, provide appropriate intervention.

**This Policy applies to every elected Member of the Yukon Legislative Assembly (MLAs) and their interactions with:**

- other MLAs, whether it is a fellow caucus MLA or MLAs Opposite;
- every staff person, be they permanent, contract, casual, Page or other employee;
- volunteers;
- constituents; and
- the public

This Policy covers **conduct** that may occur in or away from the workplace including, but not limited to:

- all offices, premises, and locations that are used for conducting Yukon Legislative Assembly business; and
- all locations and situations, including work-related business travel, conferences, meetings with constituents, and work-related social gatherings, where Yukon Legislative Assembly-related activities are carried out.

For greater clarity, this Policy **does not apply** to debates and proceedings in the Legislative Assembly, Standing, Select or Special Committee(s), or to individuals who are no longer Members of the Legislative Assembly. This Policy also does not pertain to political debate, satire or criticism outside of the Legislative Assembly.

**Disrespectful conduct** can occur in many forms, examples which would include but are not limited to:

- verbally abusive behaviour such as yelling, ridicule, name calling, and derogatory comments;
- spreading malicious rumours or making false allegations;
- displaying or circulating offensive pictures, and materials;
- demeaning remarks, jokes, or innuendoes;
- pranks, vandalism, bullying, and hazing;
- physical assault;
- unwanted sexual attention, sexual harassment, and/or sexual assault;
- for the purpose of this Policy, disrespectful conduct is understood to be on a continuum from mild to illegal.

**Distribution of the Policy:**

After each election and/or by-election, all MLAs will be provided with a copy of the R.C.P. before the legislature convenes. The Policy will be included as part of the Members' Administrative Handbook. The public will be able to access this Policy as it will be posted on the Yukon Legislative Assembly's website.

**Training Program:**

In conjunction with Member Orientation Workshops a training program will be made available to all MLAs after each general election and/or by-election.

**Other Avenues of Redress:**

This Policy does not limit access to other avenues of redress either through the Party Leader, Chief of Staff or other avenues available under the law. These additional remedies could include a criminal complaint, civil suit, or a complaint with the Yukon Human Rights Commission.

**Process:**

An individual who feels subjected to disrespectful conduct may bring their complaint forward to the Director, Administration, Finance & Systems (the Director). There are three options available to complainants: **Report Only, Informal Resolution, and Formal Complaint.**

There is no time limit for complainants to submit a report, request an informal resolution, or to file a formal complaint. The sooner the report is made, the better the opportunity for thorough evidence gathering, but this Policy recognizes that there are many factors which can influence one's choice to submit a complaint.

Throughout this document, if a complaint or allegation involves the Leader of the Party, the Director will refer the issue to another appropriate figure, for instance the Deputy Leader or the Chief of Staff.

**Report Only:**

This process is provided for complainants who do not want to trigger an informal or formal procedure. The complainant can file a report with the Director, who will record and store the information. The complainant may change their mind, and approach the Director to request an informal resolution or request a formal complaint, if the complaint or issue continues or has not been resolved.

**Informal Resolution:**

This process is provided for complainants who want to make a report and seek an informal resolution. The Director will facilitate an acceptable exchange between the complainant and the respondent which can be a phone call, a meeting between the complainant and respondent, and/or communication in writing. The respondent and complainant can appoint a support person to assist them during the process. The support person(s) must commit to keeping information confidential. The Director shall reach out to other appropriate individual(s) to support communication between both parties.

Informal resolution **may not be possible or appropriate** in certain situations, most typically:

- The complainant does not want to pursue an informal process;
- The respondent is not willing to participate in an informal process;
- Allegations are of sexual violence; or
- Incident(s) that have resulted in bodily or psychological trauma;

**Unsuccessful Informal Resolution:**

The informal resolution process may not be successful. In that case, the complainant may choose to discontinue and to end the resolution process, or to move forward with a formal complaint process. The Director will keep records of the complaint and of the informal process in a secured location.

**Formal Complaint:**

This process is provided in cases where an informal resolution is not appropriate or the complainant is seeking a formal investigation. The Director will receive the complaint and refer the issue to the Party Leader. The Party Leader shall appoint an independent investigator to deal with the complaint. The investigator will be given a timeline by the Party Leader to complete the investigation, which is not to exceed three months.

Upon completion of the investigation, the investigator will send their draft decision to the complainant and the respondent. Individuals may identify concerns or challenge sections of the report by submitting a response in writing. The investigator shall meet with those who have submitted a response, respond

in writing, and/or make changes as they see fit. Upon the completion of the investigation report, the investigator will send the final report to the complainant, respondent, the Party Leader, and the Director.

**There are three possible report findings:**

**Allegations established:** The Party Leader will receive the report from the Director, after which the Party Leader will determine the action to be taken in dealing with the allegations.

**Allegations not established:** If someone makes a complaint as a result of a genuine concern or misunderstanding, this would not be a malicious or vexatious complaint. Likewise, if the outcome of an initial or formal assessment under this Policy is not upheld, it should be emphasized that the complaint has not been judged as malicious or vexatious.

**Allegation not established with malicious intention found:** For an investigation to determine that a complaint is malicious or vexatious, evidence of manifestly false accusations or of a deliberate intent to falsely discredit the respondent would be found. Examples of malicious or vexatious complaints could include a succession of complaints without reasonable grounds found.

**Confidentiality:**

Confidentiality will be maintained to the best of the Director's ability. Any allegation of disrespectful conduct or harassment and the related personal information are considered 'supplied in confidence'. Names, party affiliation, or other personally identifiable information of the persons involved in the process will not be disclosed.

At all stages of this process, information will be only disclosed on a need-to-know basis. All persons involved, including witness(es), complainant(s), and respondent(s), will be protected under the confidentiality clause.

In the event a MLA is an Independent Member the Director and/or Clerk of the Assembly shall appoint an independent investigator to deal with the complaint. The investigator will be given a timeline by the Director and/or Clerk of the Assembly to complete the investigation, which is not to exceed three months.

All investigation information will be kept on a MLA's personnel file for a period of 20 years.

**Reporting:**

The Director will monitor the implementation of the Policy and will provide the Members' Services Board with an annual statistical report containing the following information: the number, nature and outcome of harassment complaints received. Statistics will be provided in the aggregate and without any identifying information. The annual report will also include the number of persons who attended information and training sessions related to the Policy.

**Costs:**

All costs associated with this Policy and its implementation including communications, retention of mediators, investigators, counselling or other resources up to \$5,000 shall be approved by the Director and/or Clerk of the Assembly. Requests over \$5,000 will require Members' Services Board approval.

**Roles and Responsibilities:**

**Members' Services Board:**

The Members' Services Board (Board) is an all-party committee of the Yukon Legislative Assembly and is responsible for establishing and maintaining respectful conduct and ensuring that concerns raised about conflict or disrespectful conduct are addressed promptly.

**Party Leaders, Chiefs of Staff:**

Party Leaders and Chiefs of Staff are responsible and accountable for taking ownership of any conflict or disrespectful conduct issues that might take place in or away from the workplace by their MLAs and to take corrective measures when issues of non-compliance with this Policy arise.

Party Leaders should support the Director in facilitating informal resolutions and, in the case of formal investigations, should offer all available information and supports.

**Director, Administration, Finance & Systems of the Yukon Legislative Assembly:**

The Director is responsible to:

- Take and record reports;
- Facilitate informal resolution;
- Provide the Party Leader or Chief of Staff with the necessary information concerning an informal or formal complaint;
- Provide the necessary information concerning a complaint or allegation to another appropriate figure should the complaint or allegation involve the Leader of the Party;
- Provide backup information to Members' Services Board on financial requests associated with the R.C.P.;
- Seek approval from Members' Services Board when updating the Policy or changing any training opportunities; and
- Distribute the Policy to all staff and MLAs and post on the Yukon Legislative Assembly website.

**The Speaker:**

In conjunction with Member Orientation Workshops after each general election and/or by-election the Speaker is responsible for monitoring and confirming the completion of training for all MLAs and ensuring the Director has sufficient training to receive and address complaints.